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Attorneys for Defendants Apollo Group, Inc.

UNITED STATES DISTRICT COURT – SOUTHERN DISTRICT OF  
CALIFORNIA

CHAD MCKINNEY, an individual,

Plaintiff,

v.

APOLLO GROUP, INC.,  
UNIVERSITY OF PHOENIX, a  
Corporation, MECHELLE  
BONILLA, an Enrollment Manager  
at UNIVERSITY OF PHOENIX,  
KYAN FLYNN, Director of  
Enrollment at UNIVERSITY OF  
PHOENIX, APRIL ALCORN, an  
Employees Relations Consultant at  
UNIVERSITY OF PHOENIX,  
CARLYN LINDSTEN, Associate  
Director of Enrollment at  
UNIVERSITY OF PHOENIX

Defendants

CASE NO. 07-CV-2373 WQH CAB

**DECLARATION OF KYAN FLYNN**

Date: April 7, 2008

Time: 11:00 a.m.

Courtroom: 4

Judge: Hon. William Q. Hayes

DATE OF FILING: December 19, 2007

Snell & Wilmer  
L.L.P.  
LAW OFFICES  
600 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626-7669  
(714) 471-7000

1 I, Kyan Flynn, declare as follows:


2 1. I am over the age of 18. I am currently employed at the University of  
3 Phoenix, Inc. ("UOP") as the Director of Enrollment for its San Diego Campus,  
4 Kearny Mesa Learning Center. In that capacity, I deliver new student enrollment  
5 plans as set forth by UOP. I have been in this position since June 2006. Unless  
6 otherwise indicated, I state the following based on my own personal knowledge.

7 2. I was never personally served with any legal document regarding this  
8 matter, nor have I been made aware of any attempts to be personally served with  
9 legal documents in this matter. Furthermore, I have never received a copy of the  
10 summons and complaint in this matter either by mail or any other means from Chad  
11 McKinney. In fact, I was not aware that I was a defendant named in this case until  
12 March 13, 2008, when I received a notice of entry of default in the mail that  
13 appears to have been sent by Mr. McKinney.

14 3. In my position, I work with Ellen Bowens only on occasion. In fact,  
15 we are not in the same department or even work in the same building (my office is  
16 in San Marcos, California while Ms. Bowens' office is in San Diego, California).

17  
18 I declare under penalty of perjury under the laws of the State of California  
19 that the foregoing is true and correct.

20  
21 Dated: March 14, 2008

22   
23 Kyan Flynn  
24  
25  
26  
27  
28

PROOF OF SERVICE*USDC – Southern District, Case No. 07-CV-2373 WQH CAB*

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa Mesa, California 92626.


On March 14, 2008, I served, in the manner indicated below, the foregoing document described as **DECLARATION OF KYAN FLYNN** on the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

Chad McKinney Pro Se 6266 Madeline Street, Apt. #61 San Diego, CA 92115	Plaintiff  Tel: 619-634-3566
United States District Court Attention: Hon. Judge William Q. Hayes 940 Front Street San Diego, CA 92101	

☒ BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressees. (C.C.P. § 1013(c)(d)).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 14, 2008, at Costa Mesa, California.

  
Rudi L. Wilson